

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

**Jay & Dena Heeren
ID #60922
Section 8, Ellsworth Township
Hamilton County, Iowa**

ADMINISTRATIVE CONSENT ORDER

NO. 2012 -AFO- 09

**TO: Jay & Dena Heeren
3661 Queens Avenue
Jewell, IA 50130**


VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c". You failed to submit an updated Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), and to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure is to be applied by the November 1, 2010, deadline. You were sent a notice of violation on November 12, 2010, and on December 27, 2010, you were sent a notice that the matter was being referred to the Department's Legal Services Bureau for enforcement. On January 4, 2011, your update was submitted.

ORDER: In the future you shall timely submit to Department Field Office #2 your complete updated MMP and fees. In addition, a penalty of \$2,000.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$250.00 of this amount is assessed for economic benefit from delayed preparation costs. \$750.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,000.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent numerous notices of the requirement and a notice of referral by the Department.

AUTHORITY: Iowa Code §455B.109; §459.601; §459.603; 567 IAC 10.3, 65.16(3) "b" and "c", 567 IAC 65.17.


APPEAL: This Order is entered into knowingly by and with the consent of Jay and Dena Heeren. For that reason, they waive their right to appeal this Order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603. Compliance with the terms of this order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



Jay Heeren

Dated this 3 day of March, 2012



Roger L. Lande, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319
VIII C.1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office 2

Dated this 15th day of March, 2012